

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MATILDA BELOVIC, by her next friend,	:	
SUELLEN TOZZI; GENEVIEVE C.;	:	07 – CIV – 2876 (LAP)(KNF)
MADELAINE ANDREWS; MARY B.; and	:	
MAUREEN CURRAN, by her next friend,	:	ECF CASE
SARAH T. GILLMAN, individually, and on	:	
behalf of all others similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
against	:	
	:	
ROBERT DOAR, as Commissioner of the New	:	
York City Human Resources Administration;	:	
GLADYS CARRION, as Commissioner of the	:	
New York State Office of Children & Family	:	
Services; DAVID HANSELL, as Acting	:	
Commissioner of the New York State Office of	:	
Temporary & Disability Assistance; and	:	
RICHARD F. DAINES, as Acting Commissioner	:	
of the New York State Department of Health,	:	
	:	
Defendants.	:	
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**AMENDED PROPOSED JOINT RULE 26(f) DISCOVERY PLAN AND ORDER**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiffs Matilda Belovic, by her next friend, Suellen Tozzi; Genevieve C.; Madelaine Andrews; Mary B.; and Maureen Curran, by her next friend, Sarah T. Gillman, individually, and on behalf of all others similarly situated (“Plaintiffs”) and Defendants Robert Doar, Commissioner of the New York City Human Resources Administration (“City Defendant”) and Gladys Carrion, Commissioner of the New York State Office of Children & Family Services; David Hansell, Acting Commissioner of the New York State Office of Temporary & Disability Assistance; and Richard F. Daines, Acting Commissioner of the New York State Department of Health (collectively known as “State Defendants”) hereby respectfully submit the following report to the Court.

1. **Initial Disclosures**

The initial disclosures of Plaintiffs and City Defendant were exchanged by email and served by U.S. Mail on August 28, 2007. The State Defendants served their initial disclosures by email and U.S. Mail on September 5, 2007. The City Defendant will supplement its initial disclosures by November 9, 2007, and Plaintiffs will supplement their initial disclosures, if necessary, by December 7, 2007.

2. **Class Certification Motion**

Plaintiffs' motion for class certification was made at the outset of the case (together with their motion for a preliminary injunction, which was later withdrawn), on April 23, 2007. The parties have agreed on the following schedule for briefing that motion.

- a. City and State Defendants shall serve their papers in opposition to the class certification motion by November 9, 2007.
- b. Plaintiffs shall submit their reply papers on December 7, 2007. However, there remains a dispute as to whether, after receiving Defendants' opposition and before submitting a reply, Plaintiffs would be entitled to request discovery related to class certification issues, if they believe it necessary at that time. Defendants anticipate opposing discovery at that juncture.

3. **Discovery Subjects**

Discovery may be conducted at this time on all matters related to the claims by the individual named Plaintiffs. As to discovery on issues related to class certification, see ¶ 2(b) above. Discovery on the merits of all claims on behalf of the class has been postponed pending Judge Preska's ruling on Plaintiffs' motion for class certification.

4. **Discovery Plan**

Based upon their discussions following the service of Plaintiffs' discovery requests provided for in the August 29, 2007 Rule 26(f) Report, the parties propose the following staged discovery plan:

- a. Plaintiffs will withdraw their first set of document requests and interrogatories on City and State Defendants served on September 14, 2007.
- b. The parties shall proceed with discovery relevant to the claims of the named plaintiffs suing as individuals during the pendency of the class certification motion. Plaintiffs will serve document requests and interrogatories on City and State Defendants, concerning subjects relevant to the claims of the named plaintiffs suing as individuals on November 9, 2007. City and State Defendants shall have 30 days from the date of service to serve their responses and objections.
- c. City and State Defendants will serve their first set of document requests and interrogatories on Plaintiffs by email and U.S. Mail on or before November 16, 2007. Plaintiffs shall have 30 days from the date of service to serve their responses and objections.
- d. Within 15 days after receipt of the Court's ruling on class certification, the parties will (1) meet and confer to determine a suitable discovery plan for the remainder of the case, and (2) submit to the Court a revised discovery plan. The parties will at that time address other discovery-related matters, such as proposed dates for the conclusion of fact discovery, the number or length of depositions, the conduct of expert discovery, and any issues concerning electronic discovery or privileged or confidential material.

5. **Settlement Discussions/Procedures**

Class Plaintiffs and both City and State Defendants have discussed the possibility of settlement and have concluded that discovery is necessary before they are able to consider the possibility of settlement.

6. **Trial Estimate/Jury Trial**

The parties anticipate that a trial will last no more than 10 days.

7. **Trial**

The parties cannot propose a trial date at this time, without knowing the date of the Court's ruling on class certification.

Dated: October 16, 2007

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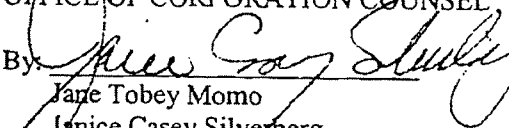
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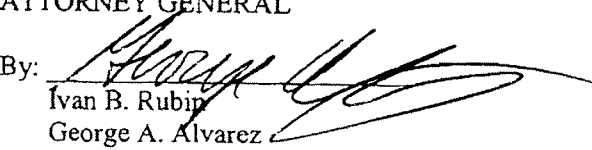
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SO ORDERED:  
Dated: New York, NY

\_\_\_\_\_, 2007

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Hon. Loretta A. Preska  
United States District Court Judge